

**REMARKS**

This amendment is intended to respond fully to the Office action mailed May 16, 2006, and to place this application in condition for allowance. Claim 4 is canceled.

**Drawings Objection – 37 C.F.R. 1.83(a)**

The drawings were objected to under 37 C.F.R. 1.83(a) based upon the language “tubular” in claim 4. Accordingly, claim 4 is canceled to overcome the objection to the drawings.

**Claim rejections – 35 U.S.C. §103**

Claims 1-3 and 6-14 have been rejected under 35 U.S.C. §103 (a) as unpatentable over Rowan, U.S. patent 3,484,081. Reconsideration is requested.

Independent claims 1, 12 and 14 have been amended to overcome Rowan by clarifying that the crossbars (*see, e.g.*, upper crossbar 22 and lower cross bar 24 in Fig.1) in applicant's fence module are continuous and unbroken in nature, unlike the units shown in the Rowan patent, by addition of the language homogeneously formed as suggested by the examiner in the May 16, 2006 office action. Support for the amendment may be found, for example, in Fig. 1, which shows an upper crossbar 22 and a lower crossbar 24 as a continuous, solid, homogeneously formed and unbroken member, and also in paragraph [0022] in the specification.

With respect to claims 2, 3, 6, 7, 8, 9, 10, 11 and 13, the above amendments in clarification of independent claims 1, 12 and 14, that applicant's fence module is continuous and unbroken in nature, unlike the units shown in a Rowan patent, by addition of the language homogeneously formed is believed to render these rejections moot.

Claim 5, which depends from claim 1, has been rejected under 35 U.S.C. 103 (a) as unpatentable over Rowan and in further view of Nesic, U.S. Patent 6,360,481. In consideration of the amendment to claim 1 to overcome Rowan as discussed above, it is believed that the rejection of claim 5 is rendered moot.

Claim 15, which depends from claim 14, has been rejected under 35 U.S.C. 103 (a) as unpatentable over Rowan and in further view of Summers, U.S. Patent 5,964,452.


In consideration of the amendment to claim 14 to overcome Rowan as discussed above, it is believed that the rejection of claim 15 is rendered moot.

For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of all claims as amended.

If the Examiner believes it would help to advance the prosecution, the undersigned attorney would welcome the opportunity to discuss the application in a further telephone interview and can be reached at (312) 201-0011.

Respectfully submitted,

Dated this 1<sup>st</sup> day of August, 2006.

  
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